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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 LINDSEY KAE SCHAEFER,

12 Plaintiff,

13 vs.

14 SAN DIEGO CORNERSTONE  
15 MORTGAGE; INDYMAC FEDERAL  
16 BANK, F.S.B.; ONEWEST BANK, FSB.;  
FDIC; et al.,

17 Defendants.

CASE NO. 09-CV-978 JLS (CAB)

**ORDER: GRANTING  
DEFENDANT ONE WEST BANK,  
FSB'S MOTION FOR SUMMARY  
JUDGMENT**

(Doc. No. 29)

18 Plaintiff filed this action on March 30, 2009. (Doc. No. 1 Ex. 1 (Compl.)). She alleged that  
19 Defendants violated, *inter alia*, the Perata Mortgage Relief Act and the California Unfair Business  
20 Practices Act. (*Id.*) On June 21, 2010, the Court denied Defendant OneWest Bank, FSB's (OneWest)  
21 motion to dismiss the Perata Mortgage Relief Act and California Unfair Business Practices Act  
22 claims.<sup>1</sup> (Doc. No. 25.)

23 Presently before the Court is OneWest's motion for summary judgment on Plaintiff's surviving  
24 claims. (Doc. No. 29.) Also before the Court is Plaintiff's statement of non-opposition regarding  
25 OneWest's motion for summary judgment. (Doc. No. 33.) Plaintiff concedes that, in light of *Mabry*  
26 *v. Superior Court*, 110 Cal. Rptr. 3d (Cal. Ct. App. 2010), her Perata Mortgage Relief Act claim lacks  
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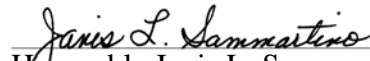
28 <sup>1</sup> The Court granted OneWest's motion to dismiss Plaintiff's claim under the Truth in Lending  
Act. (Doc. No. 25, at 4.)

1 merit. (*Id.*) And because Plaintiff cannot prevail on that claim, her Unfair Business Practices Act  
2 claim also fails. *See Cal-Tech Commc'n, Inc. v. L.A. Cellular Tel. Co.*, 973 P.2d 527, 539–40 (Cal.  
3 1999).

4 Accordingly, OneWest's motion for summary judgment is **GRANTED**. This Order concludes  
5 the litigation in this matter. The Clerk shall close the file.

6 IT IS SO ORDERED.

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8 DATED: January 3, 2011

9   
10 Honorable Janis L. Sammartino  
11 United States District Judge  
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